



**International Covenant on
Civil and Political Rights**

Distr.: General
18 March 2016

Original: English

**Human Rights Committee
116th session**

Summary record of the 3238th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 9 March 2016, at 3 p.m.

Chair: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Seventh periodic report of Sweden

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-04016 (E) 170316 180316



* 1 6 0 4 0 1 6 *

Please recycle



The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Seventh periodic report of Sweden (CCPR/C/SWE/7; CCPR/C/SWE/QPR/7)

1. *At the invitation of the Chair, the delegation of Sweden took places at the Committee table.*

2. **Mr. Olsson Fridh** (Sweden), introducing his country's seventh periodic report (CCPR/C/SWE/7), said that his Government had adopted a new human rights strategy to ensure full compliance with Sweden's international obligations. That strategy included a proposal to establish an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Other important developments included the commencement of the process of incorporating the Convention on the Rights of the Child into national legislation, plans for a new disability policy in 2017, and the adoption of a national action plan on business and human rights in 2015. The Government was committed to protecting and developing Sami culture and was working towards ratification of the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) and preparing a review of the Act on National Minorities and Minority Languages. Some 6 million euro had been allocated to implement the strategy for Roma inclusion between 2016 and 2019.

3. Sweden had a feminist Government that was firmly committed to making policy choices and allocating resources in order to achieve gender equality. An action plan for a feminist foreign policy had recently been developed with the aim of enhancing the full enjoyment of human rights by all women and girls; sexual and reproductive rights were especially emphasized.

4. As Europe faced the worst refugee crisis since the Second World War, the Swedish people were showing great solidarity and defending the international right of asylum. In 2015, more than 160,000 asylum seekers had entered Sweden, some 35,000 of them unaccompanied minors, making it one of the European Union Member States with the highest number of asylum seekers per capita. There were plans to review of the entire situation concerning the placement and treatment of unaccompanied minors, including issues such as accommodation, legal representation and interpretation. The capacity of the Swedish reception system had been stretched, causing challenges in the fields of housing, education and jobs; there was a lack of school facilities and teachers as well as health care and social services. The Government had introduced temporary amendments to asylum legislation in order to ensure a sustainable and effective reception system; it was committed to working towards a new asylum system in the European Union, built on solidarity and a fair distribution of asylum seekers. Under a new law on reception, all municipalities would be required to settle new arrivals, taking into account local labour market conditions and population size. The Government had introduced labour market measures, complementary education and programmes for the validation of degrees and work placement in order to help integrate new arrivals and make use of their knowledge and skills. Regrettably, a number of asylum accommodation facilities had been set on fire and others vandalized, but fortunately nobody had been injured in the incidents. The police made every effort to ensure the safety of asylum seekers and their accommodation. Xenophobic, racist or violent extremist acts were investigated and preventive measures were taken.

5. In recent years, the number of vulnerable European Union citizens, including Roma, staying temporarily in Sweden had risen. The Government was involved in bilateral initiatives with Romania and Bulgaria and at the European Union level in order to

strengthen cooperation on social policies. Measures had been taken to protect persons in vulnerable situations against the risks of exploitation, forced labour or begging. A series of measures was also being taken to better investigate trafficking as well as hate crimes and the police was investing in outreach and information activities in order to address the underreporting of such crimes.

6. The promotion and protection of equal rights and opportunities for lesbian, gay, bisexual and transgender persons remained a priority; a proposal for stronger legal protection for transgender persons under criminal law was currently under consultation. A national plan against racism and hate crimes was due to be presented, with a focus on different forms of racism, such as Afrophobia, anti-Semitism, anti-Ziganism and Islamophobia. The police was stepping up efforts to combat hate crimes that threatened human rights, such as freedom of opinion and expression, particularly of journalists and politicians.

7. With regard to the investigation of complaints against the police, the new Department of Special Investigations, under the new Swedish Police Authority, had been in operation for over a year. Although it had been decided to establish the Department within the Police Authority for quality reasons, including access to a broad set of investigative skills, its budget was completely separate from that of the police and the director was appointed directly by the Government, thus ensuring independence. All citizens and foreign nationals in Sweden were protected against torture under the Swedish Constitution (known as the "Instrument of Government") and the ban on torture in the European Convention on Human Rights had the force of law in Sweden. A government inquiry had recently concluded the need to introduce a specific crime of torture in Swedish criminal law.

8. The Government was committed to combating violence against women and was investing in prevention programmes in schools, financial support to counselling centres for perpetrators and treatment programmes for offenders in the Prison and Probation Service. Although there was a general lack of data concerning the prevalence of violence against women and children with disabilities, public awareness was increasing and programmes targeting violence against women and children would include a disability perspective. The Government had allocated more than 10 million euro annually to organizations that operated women's shelters, including shelters for women with substance abuse problems, women with disabilities and women trapped in prostitution or human trafficking for sexual purposes. As part of the review of the Criminal Code provision on rape, the inclusion of a consent-based provision and a negligence offence was being considered and the reasons why so few reports of rape led to prosecutions and convictions were being examined.

9. A national counter-terrorism strategy had been approved in August 2015, based on the principle that fundamental rights, the rule of law and international obligations must be respected in all actions to combat terrorism. The national coordinator to safeguard democracy against violent extremism had been appointed in 2014, and was tasked with creating awareness of all forms of violent extremism and ensuring that preventive methods were developed nationally and locally. A bill on the right of access to a lawyer, which would strengthen the rights of suspects deprived of their liberty, was expected in the coming months. In closing, he highlighted the crucial role played by civil society, which had been consulted on the State party report, in advocating for human rights.

10. **Mr. Shany** commended the State party on the strong representation of women on the delegation. He said that the Committee was impressed with the way in which Sweden had addressed the migration crisis, which reflected the internalization of the highest values of solidarity. Welcoming the fact that the Constitution had been amended in ways that were conducive to the implementation of the Covenant, he said that the Committee would be interested to know to what extent the Covenant could be invoked by the Swedish courts. For example, was article 26, which was not paralleled in full by the European Convention,

and the Committee's case law and general comments on that and other provisions, part of the legal corpus on which the Swedish courts relied when implementing domestic legislation? Noting that the constitutional reform had introduced the right to a trial within a reasonable time, he asked what was considered a reasonable time. Were the various internal bodies in Sweden, such as local governance bodies and the Ombudsmen, aware of the existence and content of the Covenant and the Committee's case law, and could they rely on it in their work?

11. The Committee would welcome specific information on the number of prosecutions and detentions that had taken place pursuant to the Act on Criminal Responsibility for Terrorist Offences and how, in practice, certain rights and freedoms were restricted under the national counter-terrorism strategy. How did the Government strike a balance between human rights concerns and the need to ensure public safety, and did the national coordinator play a role in human rights protection? He invited the delegation to comment on concerns raised by civil society about ethnic profiling, particularly that Muslims were being unfairly targeted in counter-terrorism law enforcement activities, and on steps taken to increase awareness among the police of the need to refrain from such profiling. The Committee would appreciate information on new initiatives being considered in the aftermath of the terrorist attacks in Paris in November 2015.

12. With regard to surveillance, he asked what sort of legal supervision and safeguards were in place to ensure that the National Defence Radio Establishment did not abuse its authority when engaging in data mining. Specifically, it would be useful to learn how broad a net was being cast in terms of the data being mined; what safeguards, if any, existed with respect to the sharing of data with foreign intelligence agencies; and whether any decisions of the Foreign Intelligence Court or the Data Inspection Board had been published. Noting that individuals could request the Commission on Security and Integrity Protection to check whether they had been the subject of secret surveillance, he asked how many such requests had been received. The State party should explain the exact nature of the changes introduced following the entry into force of the Police Data Act. Concerning rendition, he would like to know how the Committee's previous recommendation on exercising caution in the use of diplomatic assurances had been implemented.

13. **Sir Nigel Rodley** requested more specific information about the proposals that would be sent to parliament regarding an independent review of the State party's reservations to international human rights instruments. He said it would be interesting to know in particular whether the review would include studies of the need for the reservations to article 10 (3), article 14 (7) and article 20 (1) of the Covenant.

14. The State party should provide details about the contents of the proposed law against torture and indicate whether it would closely follow the prohibition on torture set out in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He asked whether the law would address the issue of statutes of limitations and, if not totally eliminate them, at least ensure that the periods were no shorter than those for other offences considered to be grave crimes under international law.

15. There was some concern that lawyers might not be sufficiently compensated for the diligent work that was required of them in cases of detention. The Committee had also received reports that patients in forensic psychiatric care were at risk of illegal detention owing to a lack of available accommodation. He asked the delegation to comment on those matters.

16. Noting that there was no limit on the length of pretrial detention, which in some cases had lasted as long as four years, he sought assurance that the Government would address that problem as a matter of urgency. He asked what proposals had been made in the report submitted by the all-party committee of inquiry mandated to consider whether an

independent body should scrutinize the activities of both the police and the Prison and Probation Service, and said he wished to know what follow-up had been given to those proposals. He asked whether the proposed national human rights institution would serve as such a body, and said he was surprised that Sweden did not already have an independent complaints body in place.

17. **Ms. Jelić**, while welcoming the new Discrimination Act, said that statistical data on discrimination cases were needed to determine whether the Act had been effective. She therefore requested yearly statistical data from 2009 to 2014 on the number of cases in which the Equality Ombudsman had established that discrimination had taken place. Referring to the data provided for 2014, she asked why so few of the complaints submitted to the Equality Ombudsman had been taken to court.

18. She wished to know more about the measures taken by the Equality Ombudsman to not only promote non-discrimination but also prevent and combat discrimination. The State party should clarify the Equality Ombudsman's competence to enforce article 14 of the European Convention on Human Rights. She asked whether the Government had implemented the proposals made by the government inquiry into active measures and, if so, what outcome had been achieved.

19. She requested more specific information on the steps taken to establish an independent national human rights institution equipped with adequate human and financial resources. It was important that the institution should be answerable only to parliament and not to the Government. Lastly, she wished to know the status of the process under way to establish a strategy for systematically ensuring the observance of all human rights.

20. **Mr. Fathalla** requested the State party to elaborate on other ways of following up on observations and recommendations from international bodies, besides developing action programmes. He said that details should be provided on the criteria for determining the need for an action programme and on the role of civil society in that regard. Regarding the Committee's Views on individual communications, it would be interesting to learn whether the analysis by the Ministry for Foreign Affairs of required action might differ from the action recommended by the Committee in its Views. Noting that the Committee's Views were published on the Government's human rights website, he asked whether the website also contained information on the follow-up action taken in response to those Views. He requested examples of the possible exceptional grounds against granting a residence permit mentioned in paragraph 30 of the State party's report.

21. It was not clear why the Equality Ombudsman should not have the power to pursue discrimination cases on the basis of the European Convention on Human Rights, given that that Convention had the force of law in Sweden. He asked whether the financial resources allocated to the Equality Ombudsman and the local anti-discrimination offices were sufficient to enable them to pursue the cases brought to their attention.

22. The State party should provide information on the measures taken to prevent, combat and criminalize hate speech against migrants, and statistical data on the number of prosecutions initiated in such cases. According to media reports, Sweden was planning to expel 60,000 to 80,000 refugees who had arrived from countries where no war or conflict was taking place. He therefore asked whether there had been a shift in the State's policy on refugee matters.

23. He asked what measures had been taken to implement the recommendations made in the report on Afrophobia issued by the Ministry of Integration and to address discrimination against Muslims in the legal and welfare sectors. It would be interesting to learn whether the forthcoming national action plan to combat discrimination and hate crimes would constitute a major shift in the State's position on those issues. Details on the results

achieved by implementing the coordinated long-term strategy for Roma inclusion 2012-2032 would also be welcome.

24. **Mr. de Frouville** asked the delegation to explain why so few of the complaints about the use of force by police officers had resulted in prosecutions and why the prosecutions that had taken place had led to only very light sentences. He said that the delegation should also explain the meaning of the term "day fine" and comment on the increase in the number of violent deaths in police custody in recent years. Referring to the case of Sinthu Selvarajah, who had died as a result of police officers' use of the prohibited "death grip", he enquired as to the risk of such violent practices being repeated. He wondered whether further police training might be necessary to ensure that such dangerous methods were not used.

25. Noting that Swedish police officers used expanding bullets, he questioned whether the possibility of avoiding collateral damage in the form of injury to innocent bystanders could justify the disproportionate injury such bullets caused to the persons being immobilized. The death of Daniel Franklert Murne, for example, had been connected to the use of that type of ammunition.

26. He requested further information about the Separate Public Prosecution Office and its independence. Specifically, he wondered whether the Office could bring proceedings before the courts, or whether it merely conducted internal investigations as part of disciplinary proceedings.

27. He wished to know whether the Health and Social Care Inspectorate had a specific mandate to monitor the use of electroshock therapy. He was concerned by the fact that the National Board of Health and Welfare had been commissioned to examine the possibility of supplementing the National Patient Register with treatments performed by professional groups other than doctors, and that the Board's proposals were to be used in draft legislation. Did that mean that electroshock treatment could be prescribed and administered by persons who were not qualified as doctors? The State party should provide further details about the proposals the Board had made and about the current status of the draft legislation, specifically, whether it took account of the Committee's concerns.

28. **Mr. Muhumuza** asked the delegation to comment on the reaction of Sweden to findings recently issued by the Working Group on Arbitrary Detention concerning Mr. Julian Assange.

The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.

29. **Mr. Olsson Fridh** (Sweden) said that the Government's forthcoming strategy for complying with its international human rights obligations would set forth the methodology for following up on recommendations received from treaty bodies and would include a proposal for the creation of a national human rights institution in accordance with the Paris Principles. In the interests of transparency, any new institution would be answerable to parliament and not to the Government, and it was up to parliament to decide what form that institution should take. Civil society played, and would continue to play, a major role in the process of promoting, protecting and reporting on human rights in Sweden.

30. In its national and international counter-terrorism efforts Sweden was careful to guarantee the rule of law and terrorist suspects were accorded the same fundamental rights as persons suspected of other offences. A number of bodies existed to monitor the actions of the authorities in that regard. Equality of rights was the cornerstone of the work of the national coordinator to safeguard democracy against violent extremism, who sought to tackle values and attitudes which fed into violent ideologies.

31. Signals intelligence was supervised by the Foreign Intelligence Inspectorate and regulated by an elaborate system of laws, all of which complied with article 17 of the

Convention. The work of the National Defence Radio Establishment was also closely scrutinized and the Government was required to present an annual report to parliament on all signals intelligence activities. Diplomatic assurances had been used on only one occasion in 2001, prior to the period covered by the report.

32. Awareness-raising activities and dialogues on racism had taken place in late 2015 and had been attended by the Minister for Culture and Democracy and other officials, as well as by civil society organizations and the general public. The aim had been to promote ongoing efforts to combat racism and to gain further input for the national action plan against racism which was due to be presented in 2016. The plan would include general provisions against racism and hate crimes in addition to specific measures targeting anti-Semitism, anti-Ziganism and Islamophobia. Afrophobia, which was also covered by the action plan, was to be the subject of a special awareness-raising campaign by the Equality Ombudsman during the period from 2015 to 2016. The Living History Forum and the National Agency for Education were also producing educational material on racism and xenophobia.

33. **Mr. Adell Hellström** (Sweden) said that international treaties had to be incorporated by statute into national law, although the only treaty to have been fully incorporated in that fashion was the European Convention for the Protection of Human Rights and Fundamental Freedoms. A more common legislative approach to the country's international commitments was to establish a corresponding provision in a Swedish statute and the courts were required to interpret, as far as possible, national law in line with international instruments. It was therefore crucial that public officials be aware of the State's international obligations and the Government had acted to organize training in that regard. The Convention had been cited in court rulings but only in cases where one of the parties had mentioned it in their own submissions. The obligation to protect citizens from discrimination, in accordance with article 26 of the Convention, was enshrined in the Swedish Constitution, the Discrimination Act and the Criminal Code. The long-term strategy for Roma inclusion 2012-2032 was still in an early phase but there had already been observable progress in terms of funding and the training of Roma mediators.

34. **Ms. van Rooij** (Sweden) said it was her Government's understanding that Sweden was not required to incorporate a specific provision on torture into national law. Its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were fully met by existing legislation on various forms of assault, including that of particularly aggravated assault introduced in a 2010 amendment to the Criminal Code. Nonetheless, the need for a specific provision on torture had been the subject of a 2014 inquiry which had proposed, also in light of international obligations, that such an offence should be placed on the statute books. That proposal was currently being examined by the Ministry of Justice.

35. Access to a lawyer for persons in detention was regulated by the Code of Judicial Procedure. The Code placed no limit on the number of hours for which a public defence counsel could be compensated but left that matter to be decided by the courts.

36. Acting on the results of a recent review of pretrial detention, the Government had asked the Prosecution Authority to draw up new guidelines and regulations on the use of restrictions and the isolation of detainees. Early results suggested that the new measures seemed to have had a positive impact. Nonetheless, the Government believed that the matter required deeper examination and had commissioned a further inquiry, which had begun in July 2015. The new inquiry had a broad remit but one important area of focus would be that of children and young people in pretrial detention. The Agency for Public Management, the National Council for Crime Prevention and the Prison and Probation Service were all actively involved in studies and initiatives in the area of pretrial detention.

37. The time required to process a case was regulated by law or by court practice but was often considerably shorter than the time required to process cases before the European Court of Human Rights. It was for the prosecutor and the courts to decide how to proceed in the case of Mr. Assange. They were independent authorities and the Government had no power to interfere in their decisions.

38. **Ms. Evelius** (Sweden) said that citizens' constitutional rights to freedom of movement could, in certain circumstances, be restricted by law. In the case of persons with psychiatric issues the relevant legislation was the Compulsory Mental Care Act and the Forensic Mental Care Act both of which met fundamental human rights safeguards. When a person subjected to compulsory care was to be discharged from a health-care facility, municipalities had the responsibility to provide that person with suitable housing and support. Once it had received the notice of discharge, a municipality had 30 days in which to find accommodation for the patient concerned. If it failed to meet that obligation it faced financial penalties and criticism from the Health and Social Care Inspectorate. If the discharged patient was forced to stay in the health-care facility during the waiting period, he or she enjoyed complete freedom of movement.

39. The Government had established a system of national quality registries which collected data on a variety of health and medical services, including electroshock treatment. Registration was voluntary and patients could request the removal of their details from the registries at any time. It was estimated that around 89 per cent of all electroshock treatments were recorded using the system.

40. **Mr. Sjölander** (Sweden) said that a total of 11 criminal cases had been brought under the Act on Criminal Responsibility for Terrorist Offences; 7 of those had resulted in convictions. Three cases had been reclassified and prosecuted under other provisions of the Criminal Code and two convictions were currently pending appeal. As of 2016, approximately 280 Swedish citizens had travelled to conflict regions with the aim of joining or training with terrorist groups. Around 40 persons were known to have died and some 125 persons had subsequently returned to Sweden. In an effort to prevent the radicalization of Swedish citizens, the Government intended to introduce new criminal legislation in April 2016 which would define as an offence the act of travelling overseas to receive terrorist training or commit terrorist acts.

41. The all-party committee of inquiry tasked with considering whether an independent body should scrutinize the activities of both the police and the Prison and Probation Service had reported to the Government as scheduled, and broad consultations on its findings were currently under way. Some recommendations contained in the report would, however, require substantial discussion before any final decisions could be taken.

42. The annual national crime survey was intended to supplement the official crime statistics and offered a qualitative assessment of the criminal justice system. Over the period from 2006 to 2015, there had been a significant increase in the general public's trust of the police and its ability to treat suspects fairly. However, the excessive use of police force remained a concern and a considerably high number of complaints had been received. Most cases had been referred to the police disciplinary board for consideration, while a smaller number had been brought before the courts. In 2014, the board had considered 115 cases, of which 110 were subject to disciplinary action. Around 4 police officers had been removed from their duties and some 60 persons had received disciplinary sanctions, including formal written warnings, pay cuts or day fines. Day fines were calculated as a percentage of an individual's earnings.

43. In response to the rise in the number of deaths resulting from the use of firearms by the police, the Government had conducted a review of existing police firearm legislation in order to identify and tackle the root causes behind the increase. Its findings, published in

February 2016, called for better police training on how to handle volatile situations involving persons under the influence of drugs or other substances and persons with mental illnesses. As to the use of expanding bullets, there were no immediate plans to change the type of ammunition used by the police given that the bullets had repeatedly been shown to cause less collateral damage than other types of ammunition and were standard issue in most other European countries.

44. **Ms. Peyron** (Sweden) said that the Government intended to place temporary restrictions on its asylum policy in response to the unprecedented number of asylum seekers who had arrived in the country in 2015. Residence status would continue to be granted to eligible asylum seekers, but family reunifications would be limited to the applicant's spouse or partner and children under the age of 18. No changes would be made to the national expulsion policy for rejected asylum seekers and the principle of non-refoulement would remain in force. Unaccompanied minors deemed ineligible for asylum could be expelled only in the event that a trusted adult in their country of origin could be identified to care for them. In 2015, fewer than 60 unaccompanied minors had been returned to their country of origin.

45. **Ms. Stenson** (Sweden) said that the Government intended to maintain its reservation to article 10 (3) of the Covenant since the requirement to hold juveniles separately from adults would lead to juvenile detainees being relocated to prisons situated far from their families owing to the lack of separate cells in most adult prisons. The Government also intended to maintain its reservations to article 14 (7) owing to concerns that the article, if implemented, could undermine the credibility of the national justice system, and to article 20 (1) as it would infringe on the right to freedom of expression.

46. Regarding the procedures and mechanisms in place to implement the Committee's concluding observations and its Views under the Optional Protocol to the Covenant, the Government intended to launch a new strategy to address the implementation of the Committee's recommendations and had appointed a working group to consider how best to uphold the country's international obligations. As to the exceptional grounds against granting a residence permit set forth in the Aliens Act, the Government could confirm that the provision had never been used to date.

47. **Ms. Zeland** (Sweden) said that new national asylum legislation was aimed at accelerating the asylum application procedure and sharing the burden of care fairly among the various municipalities. Local authorities that agreed to take a larger proportion of asylum seekers would be eligible for greater financial incentives under the new legislation.

48. **Mr. Adell Hellström** (Sweden) said that the Government remained committed to combating all forms of discrimination and had increased the annual budget of the 16 anti-discrimination offices and the Office of the Equality Ombudsman to SKr 2 million and SKr 10 million, respectively. It also intended to amend the rules governing the active measures taken to combat discrimination and extend their scope to cover all grounds of discrimination. An inquiry had been commissioned with a view to strengthening existing anti-discrimination policies and improving the handling of cases of discrimination by the police and the courts; the results of the inquiry would help to inform future anti-discrimination efforts.

49. **Mr. Olsson Fridh** (Sweden) said that further information would be provided at a later date or in writing where required.

50. **Mr. Shany** said that he welcomed the review of current anti-discrimination policies and urged the State party to use the opportunity to extend the scope of existing legislation and widen the availability of legal aid to cover all forms of discrimination. It would be interesting to know more about the State party's approach to Roma persons and their official residence status in the country. Information on the scope of collection of personal

data under the Act on Criminal Responsibility for Terrorist Offences would also be welcome. Lastly, he asked whether the Government intended to review national extradition legislation and safeguards in the light of the ongoing extradition case involving Mr. Assange.

The meeting rose at 6 p.m.